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EXAMINER

FLEISCHER, MARK A

ART UNIT	PAPER NUMBER
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3624

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02/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,502	Applicant(s) BOWLER, STEVEN B.	
	Examiner MARK A. FLEISCHER	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>19 November 2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This final Office Action is in reply to the response to the amendments filed on 19 November 2008.
2. Claims 1, 2, 4, 5, 7-15, 17-19, 22, and 23 have been amended.
3. Claim 3 has been cancelled.
4. Claims 1, 2, 4, 5 and 7-23 are currently pending and have been examined.

Response to Amendment

5. The rejection of Claim 14 under 35 U.S.C. §112, 2nd is maintained for reasons set forth below.
6. The rejections of Claims 1-5 and 7-10 under 35 U.S.C. §101 are withdrawn in light of Applicant's amendments.
7. The rejection of Claims 1, 2, 4, 5 and 7-23 are maintained for reasons set forth below.

Response to Arguments

8. Applicant's arguments received on 19 November 2008 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

Applicant argues in response to the 2nd non-final rejection that the prior art of record does not teach or suggest that the inventive concept of identifying cross-dependencies as between different 'programs' is taught by the prior art (Remarks, p.11) and repeats this same argument in several instances in their Remarks. While Applicant has attempted to distinguish the claims from

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those taught in the prior art by amending the claims to articulate distinct programs and their associated sets of activities and reciting different 'program managers' and so forth, the arguments nevertheless fail to convincingly state the distinguishing characteristics of a 'project' relative to the analogous terms used in the cited prior art.

As noted in the previous Office Action, the term 'program' or 'project' can have different meanings. In the broadest, reasonable interpretation, a *program* is a plan of action to achieve an end or goal. Thus, a *task* in the broadest, reasonable interpretation is a program as it is in place to achieve a result. The prior art of record does, in fact, teach a method for managing and scheduling interrelated tasks. Indeed, Applicant admits that "Robson is directed to a method for managing a project that includes a plurality of interdependent tasks." (Applicant's Remarks, p.13). Similarly, a *project* is generally comprised of a series of tasks and thus is essentially equivalent to a *program*.

In addition, the prior art specifically addresses managing "multiple projects" (Robson [9,25-27] also as shown in Applicant's Remarks, p. 13). Applicant argues that the above reference merely refers to actions related to "storing information about multiple projects [and] does not teach or suggest that those projects are linked in any way." (Applicant's Remarks, p. 13). However, Robson states that "In practice, projects may be considerably more complex than suggested by FIG. 2 and the present invention is drawn to managing such complex projects, using the systems and methodologies detailed herein." (emphasis added) (Robson [5,20]) where 'complex projects' reasonably entail a multitude of smaller projects, hence a multitude of tasks.

As noted in the previous Office Action (and incorporated fully herein),
"the crux of Applicant's arguments depends on how one defines a 'program' or 'project' because such definition is essential in determining what constitutes a 'plurality of programs (projects)'. Such definition is, of necessity, dependent on the perspective of a user or other person who must consider the metes and bounds or *scale* of a project. Thus, the 'complex projects' mentioned in Robson may be 'complex' because of its scale and magnitude and the complex linkages between its constituent tasks. If one has the perspective of a high-level

manager, such person will most likely consider an 'enterprise'-wide project that may reasonably entail many individual 'sub' projects all geared towards advancing the multiplicity of goals of the enterprise. The perspective of a person in a particular department of an enterprise will view a project differently and perhaps in isolation of another project in another department. Indeed, some projects may not have any explicit dependencies on other projects *per se*, *i.e.*, in terms of project oriented and/or project specific tasks and dependency relationships. Nevertheless, there can exist *implicit* dependencies, and therefore linkages, by virtue of the fact that many projects may require use of common resources thereby creating 'cross-dependencies' between and among tasks associated with a number of different goals. Thus, when viewed from a larger perspective, the enterprise-wide project is just a single, grand project to further the purposes of the enterprise wherein the many 'tasks' have interdependencies and which may come under the purview of one or more departments. Indeed, many approaches for modeling projects using graph theoretic means use sets of nodes to represent tasks or activities. In many cases, sets of such nodes can be collapsed into single nodes which then depict an entire set of tasks or single project or larger-scale task. Similarly, any specific project may involve a multiplicity of smaller, sub-projects. In such case, single nodes in a related graph can be expanded to reveal or model the subtasks comprising a given project. The instant invention therefore seeks to discriminate methods of project management based on its scale which the cited prior art already addresses."

Even if the teachings do not precisely correspond to those of the instant Application, such are obvious in light of the teachings. Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Furthermore, the Examiner recognizes that references cannot be arbitrarily altered or modified and that there must be some reason why one skilled in the art

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would be motivated to make the proposed modifications. Although the motivation or suggestion to make modifications must be articulated, it is respectfully submitted that there is no requirement that the motivation to make modifications must be expressly articulated within the references themselves. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969). The issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re Delisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined in *In re Lamberti et al* 192 USPQ 278 (CCPA) that:

- (i) obvious does not require absolute predictability;
- (ii) non-preferred embodiments of prior art must also be considered; and
- (iii) the question is not express teaching of references but what they would suggest.

According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. Within *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In *In re Conrad* 169 USPQ 170 (CCPA), obviousness is not based on express suggestions, but what references taken collectively would suggest.

In the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references is accompanied by select portions of the respective references which specifically support that particular motivation. As such, it is NOT seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness has

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been adequately provided by the motivations and reasons indicated by the Examiner, *Ex pane Levensgood* 28 USPQ 2d 1300 (Bd. Pat. App. & Inter., 4/22/93).

Robson clearly contemplates the notion of a plurality of programs: "According to the present invention, the database [] may store the tasks, Issues, Change Requests and Change Orders for a single project or for multiple projects." (emphasis added---Robson [9,25]). Thus, the prior art of record, does teach and at least renders obvious, the notion of displaying and identifying the cross/inter-dependencies between and among tasks of a large and complex project and between and among tasks of several large and complex projects.

Information Disclosure Statement

9. The Information Disclosure Statement filed on 18 November 2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Objections

10. Claims 14 and 19 are objected to because of the following informalities:

- Claim 14: the claim recites that "*the electronic schedule has a fixed duration*", and Examiner believes that what is meant is that the several activities within the schedule have a fixed duration. Applicant is requested to clarify the meaning of this phrase.
- Claim 19: the claim recites "...viewable and modifiable a program manager" and appears to be missing the word 'by' as in "...viewable and modifiable *by* a program manager". Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant employs the phrase *wherein the electronic schedule has a fixed duration*, but it is unclear how a schedule has a duration. It is thus vague and indefinite. For purposes of examination, Examiner interprets this to mean that some tasks have an anticipated or expected duration and hence, an expected finish time.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1–6, 10–14, 16, 19, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (US 7330822 B1) in view of Pollalis (US 5016170 A).

Claim 1:

Robson, as shown, describes and/or discloses the following limitations:

- *receiving at the computer system, cross-program dependency information between a first program in the plurality of programs and a second program in the plurality of programs,*

wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities (Robson, in at least [5,44] states “Other dependency relationships may be defined and implemented within the context of the present invention [...]”) (emphasis added) where ‘defining and ‘implement[ing]’ dependency equates to *receiving interdependencies*... See also [9,34-49], the step of “storing” and ‘defining’ a dependency relationship ([9,50]) also corresponds to *receiving interdependencies*, and in at least [9,27] refers to “multiple projects” which corresponds to *from a plurality of programs*. Robson [7,52-7] states “Each of the newly defined and integrated Tasks, Issues, Change Requests and/or Change Orders may be assigned to a specific person or entity who may be given primary responsibility for the resolution and completion of the newly defined and integrated Task, Issue, Change Request and/or Change Order.” (emphasis added) where ‘assigned to...’ is indicative of specified programs, hence from a plurality of programs. Note also that Robson [1,42] states “Large and complex projects may involve hundreds or thousands of people, and are often widely distributed, not only across geographical and political boundaries, but also across enterprise boundaries and time zones.” and thus contemplates the issues of managing many individual program or projects managed by many different individuals. Robson [5,52] goes on to say that “Large projects, by their very nature, may not be fully definable at the project inception. That is, each constituent task of the project may not be defined at the start of the project. Problems can and frequently do arise in complex projects, and these problems, whether on the project critical path or not, may be interrelated to other tasks within the project.” This indicates the concept of a project having many interrelated tasks where such tasks could reasonably be denominated as a sub-project with its own constituent set of activities.)
and;

- *graphically displaying, at the computer system the interdependency between the first activity and the second activity in a computerized schedule available to a program manager of the first program and a program manager of the second program wherein a modification of one of the first or second activities causes an effect of the modification to be graphically displayed in the computerized schedule* (Note, Examiner interprets this last limitation as having identical scope as the last limitation in **claim 10**. See above and Robson [5,52] for the concepts of several projects and activities. Robson, in at least [6,27] states: “This ability [...] not only enables project managers to manage [...]” (emphasis added) where ‘enables project...’ corresponds to *multiple program managers* that are ‘enabled’, hence where the *schedule [is] available*. Robson also refers to the “project schedule” where it is “viewed as a computer system configured for managing a project...”, hence corresponds to *a computerized schedule*. Robson further states in at least [1,58]: “What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline.” (emphasis added) where this pertains to the ‘modification of activities’ and the ‘update’ of the related ‘schedule’. In claim 10, the modified schedule corresponds to the *impact of a schedule*. Finally, Robson [5,64] makes the notion of sets of activities explicit and states “One of the major responsibilities of project managers is to accelerate the priority of selected tasks, as it is often only the project manager (or the managers of specific portions of the project) that is privy to the macro-level view of the project necessary to identify potential problem areas and to take the requisite preemptive measures. If unanticipated problems arise and are not integrated within the larger project management framework, critical dates may slip and the timeliness of completion of the project may be in jeopardy.” (emphasis added, parenthetical in the original).)

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, in an analogous art, does as shown. In at least the abstract, Pollalis states: “[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display.”

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis' system "is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity." (Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Claim 2:

Robson, as shown, describes and/or discloses the following limitations:

- *storing in a database* (Robson, in at least [3,39] states: "[I]n a project that includes a plurality of interdependent tasks, [...] the database storing: a definition of a first and a second task, a status associated with each of the first and second tasks, and a first dependency relationship between the first and the second task []" (emphasis added) where the 'database' stores the 'interdependent tasks' and the 'dependency relationship') (Robson [3,42-4]) *cross-program dependency information between a first program in the plurality of programs and a second program in the plurality of programs, wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities* (Robson [5,64] makes the notion of sets of activities explicit and states "One of the major responsibilities of project managers is to accelerate the priority of selected tasks, as it is often only the project manager (or the managers of specific portions of the project) that is privy to the macro-level view of the project necessary to identify potential problem areas and to take the requisite preemptive measures. If unanticipated problems arise and are not integrated within the larger project management framework, critical dates may slip and the timeliness of completion of the project may be in jeopardy." (emphasis added, parenthetical in the original)

Robson [7,52-7] states “Each of the newly defined and integrated Tasks, Issues, Change Requests and/or Change Orders may be assigned to a specific person or entity who may be given primary responsibility for the resolution and completion of the newly defined and integrated Task, Issue, Change Request and/or Change Order.” (emphasis added) where ‘assigned to...’ is indicative of specified programs, hence from a plurality of programs. Note also that Robson [1,42] states “Large and complex projects may involve hundreds or thousands of people, and are often widely distributed, not only across geographical and political boundaries, but also across enterprise boundaries and time zones.” and thus contemplates the issues of managing many individual program or projects managed by many different individuals. Robson [5,52] goes on to say that “Large projects, by their very nature, may not be fully definable at the project inception. That is, each constituent task of the project may not be defined at the start of the project. Problems can and frequently do arise in complex projects, and these problems, whether on the project critical path or not, may be interrelated to other tasks within the project.” This indicates the concept of a project having many interrelated tasks where such tasks could reasonably be denominated as a sub-project with its own constituent set of activities.); *and*

- *graphically displaying, at the computer system, the interdependency between the first activity and the second activity in a program schedule wherein a modification of one of the first or second activities causes an effect of said modification to be graphically displayed in the program schedule* (Robson, in at least [6,27] states: “This ability [...] not only enables project managers to manage [...]” (emphasis added) where the text refers to *multiple program managers* that are ‘enabled’, hence where the *schedule [is] available*. Robson also refers to the “project schedule” where it is “viewed as a computer system configured for managing a project...”, hence corresponds to a *computerized schedule*. Robson further states in at least [1,58]: “What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline.” (emphasis added) where this pertains to the ‘modification of activities’ and the ‘update’ of the related ‘schedule’ and corresponds to

causes an effect of said modification to said program schedule to be displayed. See the rejection of claim 1 with respect to the notion of activities between and among sets of activities.).

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, in an analogous art, does as shown. In at least the abstract, Pollalis states: “[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display.” Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis’ system “is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity.” (Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Claims 11, 19 and 22:

Robson, as shown, describes and/or discloses the following limitation.

- With respect to the limitations of **claim 11** not common with those of claim 3, specifically, the phrase *viewable and modifiable by a program manager of the first program and a program manager of the second program across a network*, Robson, in at least [2,26] states: “[A] method of managing a project [...] may include steps of defining [...] and storing [...] tasks in a database [...] and remotely accessible over a computer network [...]” and in [0014] states: “[T]he steps required to resolve the Issue [...] may evolve into (or may be modified to include) [...]” (emphasis added) where ‘managing a project’ and ‘defining’ corresponds to *modifiable by multiple program manager[]* and ‘computer network’ corresponds to *across a network*. This applies to a plurality of managers as shown by Robson in at least [0013]: “This ability to insert an Issue into the task hierarchy not only enables project managers to manage [...]”

(emphasis added). Finally, there are repeated instances of persons assigned to resolve an issues, such as a manager as in [7,4] and reference to “multiple projects” as in [9,27].

- With respect to the limitations of **claim 19** not common with those of claims 3 or 11, Robson, as shown below describes and/or discloses the following limitations.
- *a database operative to store* (Robson, in at least [0010] states: “[A] method of managing a project [...] may include steps of defining [...] and storing [...] tasks in a database [...]” (emphasis added) where ‘defining’ corresponds to *maintain identifying activities* and ‘database’ corresponds, obviously, to *a database*.) *cross-program dependency information between a first program in the plurality of programs and a second program in the plurality of programs, wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities* (see the rejections of claims 1 and 2);
- *a user interface operative for graphically displaying* (Robson, in at least [0025] states: “the user accessing the database”, hence is *a user interface operative for*. Robson further states in [0011]: “The selectively and remotely accessible graphical representation may be rendered on a Web browser or other suitable interface.” (emphasis added) and the ‘graphical representation’ on a ‘Web browser’ in conjunction with ‘suitable interface’ corresponds to the aforementioned *user interface for graphically...*) *the interdependency between the first activity and the second activity over a network in an electronic schedule, viewable and modifiable a program manager of the first program and a program manager of the second program wherein modification of one of the first or second activities reestablishes said interdependency in an updated, graphical display of said electronic schedule* (Robson [1,34] teaches “Moreover, as the complexity of the project rises, the burden of updating the project schedule may become a significant drain on resources, further eroding its perceived usefulness in the eyes of those tasked with managing the project.” and in Robson [fig. 3]

teaches a user interface in which viewing and editing constituent tasks are facilitated. As noted in the rejections of claims 1 and 2, Robson contemplates sets of tasks wherein each set is associated as a group as in Robson [5,64] which makes the notion of sets of activities explicit and states “One of the major responsibilities of project managers is to accelerate the priority of selected tasks, as it is often only the project manager (or the managers of specific portions of the project) that is privy to the macro-level view of the project necessary to identify potential problem areas and to take the requisite preemptive measures. If unanticipated problems arise and are not integrated within the larger project management framework, critical dates may slip and the timeliness of completion of the project may be in jeopardy.” (emphasis added, parenthetical in the original).).

- *a database operable to maintain cross-program dependency information between a first program in the plurality of programs and a second program in the plurality of programs, wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities (Robson in at least [2,30-48]. See also in Robson [5,64] and related text above.); and*
- *a processor programmed (Robson [3,60]) to:*
- *...the computer-readable medium having stored thereon a series of computer-executable instructions which, when executed by a processing component of a computer system, causes the processing component to manage programs with cross-program dependencies, by (Robson [4,16]: “The present invention, according to another embodiment thereof, is a machine-readable medium having data stored thereon representing sequences of instructions which, when executed by computing device, causes the computing device to manage a project timeline that includes a plurality of interdependent tasks by performing the steps of ...” (emphasis added) where ‘interdependent tasks’ corresponds to *cross-program dependencies*),*

- *receiv[ing] the cross-dependency information between the first program and the second program* (Robson, in at least [5,44] states “Other dependency relationships may be defined and implemented within the context of the present invention [...]”) (emphasis added) where ‘defining and ‘implement[ing]’ dependency equates to *receiving interdependencies...* see also the rejection of claim 1, and in at least [9,27] refers to “multiple projects” which corresponds to *from a plurality of programs.*)
- *graphically displaying the interdependency between the first activity and the second activity in an electronic schedule, viewable and modifiable a program manager of the first program and a program manager of the second program* (See above regarding Robson [5,64]. Robson, in at least [1,58] states: “What is also needed are methods and systems to enable potentially widely disseminated project contributors to update the status of their assigned task [and] accurately describes the current status of the entire project and its constituent tasks [...]” (emphasis added) where ‘project contributors’ corresponds to *multiple program managers*. Robson, in at least [10,49] further states: “[T]he Web-enabled application embodying the present invention may maintain a selectively and remotely accessible graphical representation [...] Such graphical representation is preferably selectively truncated, masked or otherwise customized, depending upon the permission of the person requesting access thereto [...] an identity of one or more entities (project team, a project member, a subcontractor and a vendor, for example) allowed access to and/or having responsibility [...]” (emphasis added) where the ‘allowed access’ of one ‘having responsibility’ corresponds to *program managers* that view the ‘graphical representation’, hence is *viewable* as per the limitation.) *wherein a modification of one of one of the first or second activities reestablishes said interdependency in an updated, graphical display of said electronic schedule* (Robson, in at least [1,58]: “What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline.” (emphasis added) where ‘dynamically update’ corresponds to *reestablishes said interdependencies in an updated...*).

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, in an analogous art, does as shown. In at least the abstract, Pollalis states: “[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display.” Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis’ system “is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity.” (Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Claim 10:

Robson, as shown, describes and/or discloses the following limitation.

- *receiving, at the computer system, cross-program dependency information between a first program in the plurality of programs and a second program in the plurality of programs, wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities* (See the rejections of claims 1 and 2. Also, see Robson [5,64]. Robson, in at least [5,44] states “Other dependency relationships may be defined and implemented within the context of the present invention [...]” (emphasis added) where ‘defining and ‘implement[ing]’ dependency equates to *receiving interdependencies*... see also the rejection of claim 1, and in at least [9,27] refers to “multiple projects” which corresponds to *from a plurality of programs*.)
- *graphically displaying, at the computer system, the interdependency between the first activity and the second activity in a schedule wherein the graphical display of the schedule includes a status of the first activity in the first program and a status of the second activity in the*

second program. (See above regarding Robson [5,64]. Robson, in at least [1,58] states: “What is also needed are methods and systems to enable potentially widely disseminated project contributors to update the status of their assigned task [and] accurately describes the current status of the entire project and its constituent tasks [...]” (emphasis added) where ‘project contributors’ corresponds to *multiple program managers*. Robson, in at least [10,49] further states: “[T]he Web-enabled application embodying the present invention may maintain a selectively and remotely accessible graphical representation [...]” (emphasis added) where ‘graphical ...’ corresponds to *graphically displaying...* Robson, in at least [1,53]: “As most tasks within a project are connected to many others, a failure or delay in even a seemingly low-level task may have profound repercussions in higher level tasks as the effect of that failure or delay ripples up the project hierarchy.” (emphasis added) where the emphasized text corresponds to *impact of a schedule...* as does [1,65]: “describes the current status”.)

Robson does not specifically disclose *graphically displaying an impact*, but Pollalis, in an analogous art, does as shown. Pollalis [2,37] states: “Large amounts of information can be effectively displayed in a small space. The hierarchical structure allows rapid switching between high level charts and those which depict the greatest level of detail.” and corresponds to *graphically displaying an impact...* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis’ system “is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity.” (Pollalis [2,31]). Pollalis provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Claim 4:

Robson describes and/or discloses the limitations of claim 1 as shown above. Robson further describes and/or discloses the following limitation.

- *The method of Claim 1 wherein said modification of one of the first or second activities initiates an approval request requiring a response before said modification* (Robson, in at least [0014] states: “[T]o resolve an Issue, the execution of specific steps may be required. [...]he steps required to resolve the Issue may be such as to require some level of authorization from some level of the project management team. In such a case, the Issue may evolve into (or may be modified to include) a Change Request [...] When and if authorization is obtained to implement the changes [...], the Change Request [] may evolve into (or be replaced by) a Change Order, [that], identifies the changes or steps that have been authorized by the relevant authority to resolve the Issue[...].” (emphasis added) where *modification of [an] activity* is correspondent with ‘execution of specific steps’ along with *approval request* which is correspondent to a ‘change request’ and *requiring a response before said modification* is correspondent with ‘if authorization is obtained’ and ‘authorized by the relevant authority’.)

Claim 5:

Robson describes and/or discloses the limitations of claim 3 as shown above. Robson further describes and/or discloses the following limitation.

- *The method of Claim 1 wherein said modification causes an electronic message to be sent to the program manager of the first program and the program manager of the second program* (Robson, in at least [7,57] states: “The present invention may also advantageously be configured to send a message (such as by email, for example) to the person assigned to any given Task, Issue, Change Request and/or Change Order. The message may be automatically sent via a workflow and Web-based system before the due date of the Task, Issue, Change Request and/or Change Order to remind and/or prompt for changes in the status and estimated completion dates thereof. Automated email-based messaging is highly useful [...]” (emphasis added) where the emphasized text pertaining to ‘email’ corresponds to *an electronic message* and ‘to the person...’ corresponds to *managers of programs* as they are typically responsible for processing

'change requests'. Robson does not specifically teach that such messages are sent between 'program managers' *per se*, but Robson, as noted above, does teach sending messages. Note that this message is 'automatically' sent to "the person assigned" which encompasses the task of managing, hence to program managers.)

Claim 12:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The system of Claim 11 wherein the modification of one of the first or second activities initiates an approval request, said approval request requiring a response before said electronic schedule is updated with reestablished interdependencies* (Robson, in at least the abstract states: "[T]he Change Request identifies step(s) to be taken pending authorization to resolve the Issue and the Change Order identifies authorized step(s) to do so." (emphasis added) where 'change request' and 'change order' corresponds to *modification of an activity* and 'authorized steps', *ipso facto* requires some approval response. In [0007], Robson states: "What are needed, therefore, are improved project scheduling tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where 'contributors' corresponds to entities initiating an *approval request* and 'dynamically update' and 'project definition and timeline' correspond to *reestablished interdependencies* as new project definitions entail new project dependencies.)

Claim 13:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The system of Claim 11 wherein the modification of one of the first or second activities causes an electronic message to be sent the program manager of the first program and the program manager of the second program* (Robson, in at least [0016] states: "Automated email-based messaging is highly useful when the resolution of one or more

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Tasks, Issues, Change requests and/or Change Orders depends upon actions of people or organizations that are widely scattered across multiple organizations, countries and/or time zones.” (emphasis added) where ‘automated email...’ corresponds to *an electronic message* and ‘resolutions’ that ‘depends upon actions of people’ together corresponds to *managers of programs affected by said attempted modification* because the resolution is *ipso facto* made by those *affected* by change requests or orders. See also the rejection of claim 5 above.)

Claim 14:

Robson describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *wherein the electronic schedule has a fixed duration, and wherein if the modification to one of the first or second activities causes the fixed duration to change, an electronic notification is sent to the program managers of the first and second programs* (Robson, in at least [1,58] to [2,20] states: “What are needed, therefore, are [...] tools that enable project contributors to dynamically update the project definition and timeline [...] to update the status of their assigned task [...] in a manner that insures that the overall project timeline accurately describes the current status of the entire project [...].” (emphasis added) and in at least [7,58] states: “The present invention may also advantageously be configured to send a message (such as by email, for example) to the person assigned to any given Task, Issue, Change Request and/or Change Order.” (emphasis added) where the ‘project timeline’ accounts for tasks with *fixed duration* or ‘anticipated’ duration (timeline—see Robson at [1,17] regarding “anticipated timeline”) and is ‘dynamically update[d]’ via a ‘message’ sent by ‘email’ which corresponds to *electronic notification*. See also the rejection of claim 5.)

Claim 16:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

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- *said system is a web-based Program Management Application* (Robson, in at least [0024] states: “As shown [...] the Web-enabled application embodying the present invention [...]” (emphasis added).)

Claim 20:

Robson/Pollalis describes and/or discloses the limitations of claim 19 as shown above. Robson further describes and/or discloses the following limitation.

- *said network is The Internet* (Robson, in at least [0011] states: “The computer network may include the Internet [...]” (emphasis added).)

Claim 23:

Robson/Pollalis describes and/or discloses the following limitations.

- *A set of application program interfaces embodied on a computer-readable medium for execution on a computer in conjunction with an application program that manages a plurality of programs* (Robson [9,25] states “According to the present invention, the database [] may store the tasks, Issues, Change Requests and Change Orders for a single project or for multiple projects.” (emphasis added) and in [8, 43] states “FIG. 1 shows a representation of the method and system [] for managing complex projects that include a plurality of interdependent tasks, according to an embodiment of the present invention.” (emphasis added) and in [8,53] and elsewhere refers to an interface to effect the management of the above “multiple projects”.), *comprising*
- *one or more interfaces that receive cross-program dependency information between a first program in the plurality of programs and a second program in the plurality of programs, wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities* (see the rejections of claims 1 and 2 above); *and*

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- *an interface that graphically displays the interdependency between the first activity and the second activity in an electronic schedule available to a program manager of the first program and a program manager of the second program, wherein a modification of one of the first or second activities causes an effect of the modification to be graphically displayed in the electronic schedule (see the rejections of claims 1 and 2 above).*

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, in an analogous art, does as shown. In at least the abstract, Pollalis states: “[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display.” Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis’ system “is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity.” (Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

2. Claims 7, 8, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claims 3 and 11 above, and further in view of Applicant’s own prior art.

Claims 7 and 17:

Note that although claims 7 and 17 have different dependencies and, hence different preambles (where, for example, in claim 7 there is an *electronic schedule* and in claim 17 there is a *system*), they have identical scope and so are addressed together. Robson/Pollalis describes and/or discloses the following limitations as shown above.

- *The method of Claim 1 [11] wherein said computerized schedule is operable by program managers to raise issues, alert [other] program managers of scheduling*

changes, arrange team meetings, and initiate phase exit reviews (Robson, in at least the abstract states: “An Issue, a Change Request and/or a Change Order may be remotely defined.” (emphasis added) where ‘issue’ that is ‘remotely defined’ corresponds to *raise issues*, ‘change request’ and ‘change order’ correspond to *scheduling changes*. Robson, in at least [0016] states: “The present invention may [...] be configured to send a message (such as by email, for example) to the person assigned to any given Task, Issue, Change Request and/or Change Order.” (emphasis added) where ‘send a message’ via ‘email’ corresponds to *electronic schedule [that] is operable* and ‘the person assigned’ to effect a ‘change request’ corresponds to a *manager that is alert[ed] via email*.)

Robson does not specifically refer to *arrange team meetings, and initiate phase exit reviews*, but Applicant, as shown, does. Applicant in at least [0006] of the description of prior art states: “Program management resources include metrics, problem logs, alerts, team meetings, phase exit reviews, and audits.” (emphasis added). As further shown by the teachings of Robson and Pollalis, a great deal of development in project management software systems has occurred over the course of many years (from at least the time of Pollalis' invention). As web-enabled commerce evolved and more complex projects undertaken, a *natural scaling up* of project management software and systems that permit management across traditional boundaries is evident as shown in Robson [1,42]: “Large and complex projects may involve hundreds or thousands of people, and are often widely distributed, not only across geographical and political boundaries, but also across enterprise boundaries and time zones.”

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with Applicant's prior art thereby providing the capability of establishing tasks and activities, graphically displaying task interdependencies, storing such data in a database, and giving managers the capability to view and track project developments and otherwise usefully manage complex projects as these

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combined inventions enable users with greater information and control over an increasingly complex project management process involving a multitude of projects.

Claims 8 and 15:

Note that although claims 8 and 15 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson/Pollalis describes and/or discloses the limitations of claims 3 and 11 as shown above. Robson/Pollalis do not specifically describe and/or disclose the following limitation, but Applicant's own prior art, as shown, does.

- *displaying problem logs associated with the computerized [electronic] schedule*
(Applicant in at least [0006] of the description of prior art states: "Program management resources include metrics, problem logs, alerts, team meetings, phase exit reviews, and audits." (emphasis added).)

As shown by the teachings of Robson and Pollalis, a great deal of development in project management software systems has occurred over the course of many years (from at least the time of Pollalis' invention). As web-enabled commerce evolved and more complex projects undertaken, a *natural scaling up* of project management software and systems that permit management across traditional boundaries is evident. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with Applicant's prior art thereby providing the capability of establishing tasks and activities, graphically displaying task interdependencies, storing such data in a database, and giving managers the capability to view and track project developments and otherwise usefully manage complex projects as these combined inventions enable users with greater information and control over an increasingly complex project management process involving a multitude of projects.

3. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claims 3 and 11 above, and further in view of Rosnow (US 7051036 B2).

Claims 9 and 18:

Note that although claims 9 and 18 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson teaches various types of activities such as tasks (Robson [abstract]), deliverables (Robson [6,36]). Robson further teaches that several projects may be managed each involving tasks, etc. (Robson [5,64] and [9,27]). Robson/Pollalis do not specifically describe and/or disclose the activity 'gates' as in the following limitation, but Rosnow, as shown, does.

- *the first and second activities are selected from a group consisting of: phases, tasks, deliverables, and gates* (Rosnow, in at least [0025] refers to "development phases" and "Project data [...] and tasks [...] (emphasis added). Rosnow, in at least [0039] states: "Some of the task deliverables [...]" (emphasis added). Finally, Rosnow refers to gates in at least [0010]: "The system [...] prompts decision-makers [...] before proceeding further with the project at predetermined gates of the development process." (emphasis added).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teaching of Robson/Pollalis with those of Rosnow they permit a variety of different types of activities to be encompassed and handled by project management software and systems and thereby enable greater application of the systems and methods described in the instant application to complex project management problems.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claim 19 above, and further in view of Abrams (US 7305392 B1).

Claim 21:

Robson/Pollalis describes and/or discloses the limitations of claim 19 as shown above. Robson/Pollalis do not specifically describe and/or disclose the following limitations, but Abrams, as shown, does.

- *said user interface is a JAVA application* (Abrams, in at least [0073] states: "The [...] applications [] may be implemented using conventional hypertext markup languages

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(HTML), Java, and/or other web related software[s].” (emphasis added) where the noted ‘markup languages’ are used in a *user interface* and its implementation may be in a *JAVA application* correspondent to *web related software*.)

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with that of Abrams because, as is widely known, use of Java is platform independent, hence “ports well from one operating system to another” (see Application, [0034]) and thus provides for greater market penetration and wider adoption of the system and methods described.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Bradley Bayat** whose telephone number is **571.272.6704** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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Examiner, Art Unit 3624

10 February 2009

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624